IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO. 375 OF 2005

Munira Ismail Rokadia .. Petitioner

V/s

Municipal Corporation of Greater Mumbai & Anr. .. Respondents

Mr. A.R. Pande for the Petitioner.

Ms. A.K. Savla for the Respondents.

CORAM : H.L. GOKHALE &
S.C. DHARMADHIKARI, JJ.

DATE : 7TH FEBRUARY 2005

P.C. :

1. Heard Mr. Pande in support of this petition. Ms. Savla appears for the Respondents.

2. This petition is filed to challenge the notice dated 24th January 2005 issued under section 55 of the M.R.T.P. Act calling upon the Petitioner to remove certain enclosures on a terrace which is a part of the Petitioner's flat situated on the 2nd floor of a building at Cuffe Parade, Colaba. The Petitioner has already made a representation / application seeking to regularise this addition / alteration. The application is dated 31st January 2004 and received by the concerned Engineer on 4th February 2005.

3. Ms.Savla for the Respondents states on instructions that the Respondents will not proceed to act on the impugned notice until the representation is decided. In view of this statement of Ms.Savla, Mr.Pande does not press this petition any more. The same stands disposed of.

4. The Respondents will not act on the impugned notice for a period of 2 weeks further in the event the decision is adverse to the Petitioner.

(H.L. GOKHALE, J.)

(S.C. DHARMADHIKARI, J.)